

Idaho's Forest Legacy Program

Idaho's Forest Legacy Program reflects the broad goals of the national program by recognizing that in order to protect all forest values and the benefits that society derives from forested lands, it is first necessary to maintain those lands as forests. Inherent in Congress's authorization of the Forest Legacy Program is the recognition that most forested lands in the United States are held by private landowners and that those landowners face growing financial pressure to convert those lands to uses that will forever remove them from the forested land base. Most of those pressures arise from the demand for these lands for residential and commercial developments.

The situation is no different in Idaho, although it is perhaps not as pronounced as in more populated states nor has it persisted over as long a period. Nevertheless, a 28 percent increase in population for Idaho over the past ten years (*U.S. Census Bureau*) has had predictable results in terms of increased demand for new residences and increased values for forested lands as preferred areas for those new residences. This trend had been magnified in Idaho because well over two-thirds of the lands in the state are publicly owned and, therefore, not available for developments and because one of the great attractions to the state is the ability to live close to forested lands. As a result, some portions of the state, most notably the Boise Valley, eastern Idaho and the northern Panhandle have seen general increases in population with accompanying urbanization of nearby rural lands, while areas such as McCall, Driggs, Bonner and Kootenai Counties, and the outskirts of many rural communities have witnessed a large increase in the number of summer homes and recreational developments.

The Idaho State Forest Stewardship Coordinating Committee envisions that the Forest Legacy Program will help reduce the conversions of important forestlands to non-forest uses, specifically urban areas or rural home sites that would supplant the traditional uses of these lands. These lands include important economic and environmental forest values which will be irretrievably lost if the land use is changed. The essence of the program is that it will allow a one-time purchase of the "developmental rights" on private lands by the State of Idaho. The nature of the rights that the landowner is willing to forego will be negotiated for each easement. For example, an individual landowner may be willing to sell all rights to all future residential development, while another may retain the right to build two or three homes on larger acreages, but forego the right to higher densities of houses. Either would be permissible under the program, but the price paid for the greater limitation on development will be higher than if the landowner chooses to retain some limited development rights. Once the easement is agreed upon and closed, the Idaho Department of Lands will be responsible for assuring that the terms of the easement are met. Through such arrangements, landowners can derive both immediate financial benefits and be confident, along with the public that the lands thus enrolled in the program will remain as forests in perpetuity.

Within the broad context of maintaining forested landscapes, the committee has identified specific goals and program objectives for Idaho's program. The goals of the Forest Legacy Program in Idaho include:

- Identify important forestlands and reduce conversions of them that would be inconsistent with traditional uses,
- Maintain forest sustainability and the historic uses of forested lands,
- Assist in maintaining the culture and economies of rural communities through maintaining "working" forest landscapes,

- Conserve and enhance water quality and water quantities associated with forested landscapes,
- Maintain riparian and wetland areas, and,
- Conserve and enhance wildlife habitat and maintain habitat connectivity within forested landscapes.

These are the long-range goals of Idaho's Forest Legacy Program. Continued and effective implementation of the Program will, over a period of years, result in their achievement. On a less extensive basis, however, it is important to develop specific objectives for the short term to assure progress in meeting the long-term goals. Toward this end, the Committee has identified these program objectives:

1. Focus efforts where large areas of private forestland face near-term threats of conversion to non-forest uses and where the consequences of the associated losses to important ecological, social and economic benefit from those lands are significant.
2. Encourage private landowners to work with communities, agencies, businesses and other organizations to strengthen their management of forest resources.
3. Secure additional conservation investments in private forestland.

Idaho's State Forest Stewardship Coordinating Committee will have an important role in providing oversight and advice for implementing this program. This committee, already in existence in the state and established by through various federal statutes that authorize federal assistance to state private forestry programs, includes representatives of state and federal agencies as well as important interest groups (note Figure 19). For the purposes of the Legacy Program, this committee will likely be augmented by those who can represent county elected officials, realtors, plus other landowner and conservation organizations to assure a sufficiently broad perspective.

**Figure 19. Idaho's State Forest Stewardship
Coordinating Committee**

| Name | Affiliation | Location |
|--------------------------|---------------------------------------|-------------------|
| Suzanne Audet | U.S. Fish and Wildlife Service | Spokane, WA |
| Yvonne Barkley | U of I College of Natural Resources | Moscow, ID |
| Walt Bodine | Pheasants Forever, Inc. | Nampa, ID |
| Randy Brooks | Clearwater County Extension | Orofino, ID |
| Dave Brown | Kootenai Soil Conservation Dist. | Coeur d'Alene, ID |
| Betty and Max Cooper | Forest Landowner | Idaho Falls, ID |
| Vincent Carrao | Northwest Forest Management | Moscow, ID |
| John DeGroot | Nez Perce Tribe | Lapwai, ID |
| Frank Gariglio III | Natural Resource Conservation Service | Lewiston, ID |
| Kim Golden | Panhandle Lakes RC&D | Coeur d'Alene, ID |
| Jane Gorsuch | Intermountain Forestry Association | Boise, ID |
| Jean Greear | USDA Farm Service Agency | Boise, ID |
| KJ Hackworthy-Torgerson | The Nature Conservancy | Coeur d'Alene, ID |
| Gordon Harnasch | Kootenai County Assessor's Office | Coeur d'Alene, ID |
| Tom Hemker | Idaho Dept. of Fish and Game | Boise, ID |
| Isaac Henry | USDA Farm Service Agency | Coeur d'Alene, ID |
| Alex Irby | Clearwater Soil Conservation District | Orofino, ID |
| Be Kucinski | Idaho Tree Farm Committee | Coeur d'Alene, ID |
| Don Larson | Clearwater RC&D | Troy, ID |
| William Lukens | Forest Landowner | Sandpoint, ID |
| Ron Mahoney | U of I College of Natural Resources | Moscow, ID |
| Betty Munis | Idaho Forest Products Commission | Boise, ID |
| Dan Ogle | Natural Resource Conservation Service | Boise, ID |
| Arleen Pence | Idaho Forest Owners Association | Moscow, ID |
| Daniel Pierce | Clearwater RC&D | Moscow, ID |
| Sonny Poirier | Forest Landowner | Blanchard, ID |
| Peggy Polichio | U.S. Forest Service | Coeur d'Alene, ID |
| Glenn Roloff | U.S. Forest Service | Missoula, MT |
| Anders and Deb Rosenlund | Forest Landowner | Kingston, ID |
| Chris Schnepf | U of I College of Natural Resources | Coeur d'Alene, ID |
| Dee Sessions | U.S. Forest Service | Ogden, Utah |
| Jeff Stewart | Natural Resource Conservation Service | Sandpoint, ID |
| Mike Wolcott | Inland Forest Management | Sandpoint, ID |
| Kirk David, Chair | Idaho Department of Lands | Coeur d'Alene, ID |

Eligibility Criteria and Priorities for Idaho's Forest Legacy Areas

Legislative authorities for the Forest Legacy Program direct the Secretary of Agriculture to establish eligibility criteria for the designation of specific forest legacy areas in each state. As a result, there is a general national guidance for each Legacy area —“forest lands with significant environmental and resource based values”.

There is other guidance that specifies that “important forest areas” shall contain one or more of the following important public values, as defined in each state:

1. Scenic resources,
2. Public recreation opportunities,
3. Riparian areas and wetlands,
4. Fish and wildlife habitat,
5. Known threatened and endangered species,
6. Known cultural resources,
7. Other ecological values; and/or
8. Opportunities for the continuation of traditional forest uses, such as forest management, timber harvesting, other commodity use, and outdoor recreation, as defined in the Assessment of Need.

While the foregoing guidance is useful and, indeed, necessary to the implementation of the authorizing legislation, it is somewhat unique in the latitude it gives the states to create forest legacy areas tailored to that state’s needs. Such terms as “environmentally important”, “threatened” and even “forested areas” are left to the discretion of each state’s committee, as is the determination of “traditional forest uses”. Given this latitude, here is Idaho’s approach to defining these important terms and for establishing the state’s criteria for individual forest legacy areas.

First, the Committee limits the concept of “threats” to private forest lands as those posed by, first, demands for this land for low-density rural residences, usually for second homes or new residences and, second, urbanization of private forestlands that are adjacent to major population centers. Idaho’s Forest Legacy Program is not designed to arrest this trend or to impinge upon the rights of private landowners to sell or manage their lands, as they may desire. Neither will it provide an avenue for any state agency to directly manage private lands. It will, however, provide a tool for willing landowners who need the revenue that development of their lands would provide, but who might also prefer that their land continue to provide the values for which it has been traditionally managed.

Second, the Committee has considered the list of potential forest values cited in the legislation that authorizes the Forest Legacy Program as noted in the foregoing paragraphs and has chosen to focus on five of them. These include timber growth and lumber industry employment, dispersed recreational use and tourism and the number of “threatened”, “endangered” and “candidate” species. In the Committee’s view, these provide a suitable mix of economic and environmental measures, as well as surrogates for other, perhaps less definable, values. For example, if, through the Forest Legacy Program, it is possible to protect important habitat for aquatic species listed under the ESA, then it can probably be safely assumed that riparian habitats are also being protected.

Third, Idaho’s unique geophysical features, climate and vegetation make the flexibility of the Forest Legacy Program important. The definition of “forests”, for example, is sufficiently broad in Idaho’s program to include the dense cedar-hemlock forests of the Panhandle to the sagebrush-lodgepole or Ponderosa pine types of southern Idaho to the pinyon-juniper forests associated with Idaho’s high

desert. Idaho's Committee has chosen to use the broad definition of "forests" (as shown in figure 1) and coupled it with non-federal ownerships of these lands as defined in the Idaho "Forest Survey" work as a basis to establish Idaho's Forest Legacy Areas.

Finally, in order to concentrate on landscapes where the entire spectrum of forest values is likely to be the highest, the committee has determined that Idaho's Forest Legacy Areas will include only those counties with over 10,000 acres of non-federal forestlands and those portions of counties where there is a significant ownership of private lands that has forest vegetation on it. While "non-federal" ownerships include state lands that are ineligible for inclusion in the Forest Legacy Program, there are differing definitions of "private forest lands" and insufficient data at the county level on private ownership of forestlands (as the Committee has chosen to define "forests") to allow some level of private forestland ownership to be the determinant for inclusion in the Forest Legacy Program. As a result, the committee will use the "non-federal" ownership, which it believes to be reliable, as the initial determining factor for eligibility in the Program. The Committee does understand that state-owned lands are not eligible for inclusion in the Forest Legacy Program.

This means that nine counties, all in south Idaho and all with very little non-federal forested land will not be included in Idaho's Forest Legacy Program: Payette, Gem, Ada, Canyon, Gooding, Lincoln, Minidoka, Jerome and Jefferson. In addition to these nine counties, there are other large portions of adjoining counties where there is generally no forest vegetation. These areas generally coincide with the boundaries of the Snake River Plain Aquifer, a relatively well-defined geologic region of the state that parallels either side of the Snake River. The area within the aquifer, which includes portions of Washington, Twin Falls, Elmore, Owyhee, Cassia, Blaine, Power, Bingham, Bonneville, Butte, Madison, Fremont and Clark counties, are also excluded. Finally, additional parts of eastern Owyhee County and western Twin Falls County that are outside the Snake River Plain Aquifer but which do not have forest vegetation are also excluded from the Legacy areas.

Other large areas with no forested vegetation exist throughout the state. Generally, these are valley bottoms, where forest types resume on the adjoining hills. While it is possible to define and exclude such areas, the Committee notes that many private ownerships in these areas include not only lands in the valley bottoms with no forests but also uplands where there are valuable forest types. To exclude the valleys would add an unnecessary element of confusion for landowners with forested uplands who might want to participate in the program. Finally, it is conceivable that a significant, otherwise qualified project could be developed in one of these nine counties or the additional excluded areas. If that were ever the case, the Committee would urge the applicant to submit the proposal and, if it is approved, then the Committee will seek a modification of the Forest Legacy Program in Idaho to include such a project. Figure 20 identifies Idaho's qualified Forest Legacy Areas, which include:

"Northern Panhandle" Area—Boundary, Bonner, Kootenai, Shoshone and Benewah counties,

"Central" Area—Latah, Clearwater, Lewis, Nez Perce and Idaho counties,

"Southwest" Area—Adams, Valley, portions of Washington, Elmore and western Owyhee, plus all of Boise counties,

“South Central” Area—Portions of Blaine, Cassia, eastern Twin Falls counties, and all of Camas County,

“Southeast” Area—Portions of Power and Bingham Counties, plus all of Oneida, Franklin, Bear Lake, Caribou, and Bannock counties, and,

“Northeast” Area—All of Lemhi, Custer and Teton Counties, plus portions of Butte, Clark, Fremont, Madison, and Bonneville counties.

There are threats to private forestlands as defined by the Committee in each of the Legacy Areas. While the Committee recognizes that the levels of threats vary in each of the Legacy Areas, it does not view the level of these threats in any single Legacy Area as so insignificant as to further disqualify it from the Forest Legacy Program. Therefore, the Committee limits its exclusions from the Program to only those counties or portions of counties with little non-federal forestlands. For the remaining qualified counties or portions thereof, the Committee recognizes the variability of threats and forestland values by using that variability to set priorities among the six forest legacy areas. The resulting priority for each area will then become one of the criteria that will help the Committee choose between competing legacy projects. As discussed previously, the criteria that the Committee has used in setting priorities for the Legacy Areas include:

- ***Development pressures***, including population growth and measures that reflect conversions of forested lands in each area,
- ***Forest values***, such as timber productivity, numbers of threatened or endangered species, and recreational use, and,
- ***Economic values***, such as timber industry employment or tourism receipts.

Table 12 summarizes these values for each of Idaho’s Forest Legacy Areas, as defined by the Committee. The values in the table were added to yield a composite “Legacy Area Priority Score”, as indicated in the far right column. Through this analysis, the Northeast Area had the highest score and will be the highest priority area for developing and implementing individual projects. The priorities for Idaho’s Forest Legacy Areas is as follows:

First Priority—Northeast
Second Priority—Northern Panhandle
Third Priority—Southwest
Fourth Priority—South Central
Fifth Priority—Southeast
Sixth Priority—Central

Establishing these priorities for each of the Forest Legacy Areas in the state does not mean that projects in a lower priority area will have little chance of being accepted. The “area priority” is simply a way to help the Committee choose between competing projects of otherwise equal worth. If that were the case, then the project in the area with a higher priority would be recommended over the project in a lower priority area. Thus, the area priority becomes one of many criteria by which the Committee will review and judge individual project proposals.

Table 12. Summary of Measures to Establish Priorities for Idaho Legacy Areas

| | Acres of Private Forestland x10,000 | % Population Change, 1990-2000 | Total New Rural Residences per 1,000 Ac. of Priv. Forestland, 1990-2001 | Timber Growth (BF) Per Acre x 10 | # of T&E, Candidate Species | Area of "Very High", "High" Dispersed Recreation x 10,000 | % Increase in Lodging Sales, 1993-2001 | # of "Lumber" Employees x 100 | Legacy Area Priority Score |
|--------------------|-------------------------------------|--------------------------------|---|----------------------------------|-----------------------------|---|--|-------------------------------|----------------------------|
| Northern Panhandle | 14 | 41 | 6 | 28 | 10 | 27 | 22 | 43 | 191 |
| Central | 13 | 11 | 1 | 22 | 13 | 32 | -3 | 23 | 112 |
| Southwest | 4 | 32 | 6 | 21 | 15 | 60 | 33 | 7 | 178 |
| South Central | 1 | 21 | 58 | 11 | 10 | 22 | 35 | 0 | 158 |
| Southeast | 3 | 13 | 21 | 11 | 5 | 21 | 48 | 0 | 122 |
| Northeast | 1 | 15 | 58 | 10 | 9 | 49 | 54 | 0 | 196 |

Criteria for Reviewing Individual Project Proposals

The criteria for evaluating each legacy project proposal generally reflect those for establishing and setting the priorities for each Forest Legacy Area. First of all, each project must include forested lands (given the chosen broad definition of forests) and it must include only privately owned forestland. Beyond that, the Committee foresees applying the following general criteria to reviewing each project proposal and for assigning it a priority for final approval and funding.

Size—Is the project of sufficient size to “matter” in terms of meeting Idaho’s goals and program objectives?

Connectivity—Will the project add protected lands to other lands already protected, thus creating a larger area or is the project geographically isolated?

Contribution to local economies—If the project lands are protected, will there be additional or maintained contributions to local economies?

Contribution to environmental and cultural values—What is the magnitude of fish, wildlife, scenic, cultural, watershed and other environmental or cultural values that will be protected if the project is approved?

Threats—What is the scope and immediacy of threats to the continued existence of the project land as a forest?

Alternative protection methods—Does the land qualify for range or farmland protection programs or can the same environmental values be obtained through such an alternative as a “habitat conservation plan”?

Support—What is the level of public support, as indicated by availability of matching funds, partners for the project and local support for it?

Legacy Area Priority—What is the priority of the Forest Legacy Area in which the project is located?

While the adoption of formal review procedures will be left to the full State Forest Stewardship Coordinating Committee, the subcommittee preparing this Assessment of Need envisions that Committee members will rate individual project proposals independently. They will arrive at a score based on the applicants responses to the criteria listed above. Most of the information will be provided through the proposal itself, while the Committee will answer some of the questions. For example, it will be up to the Committee to assess the value of the “connectivity” of the project in question with other protected areas. To help answer such questions, the Committee may use agency and private information such as The Nature Conservancy’s eco-regional planning data that can help determine if a proposed project is adjacent to other protected areas or includes particularly significant habitat or wildlife values. Those projects with the highest scores will receive top priority for funds as they become available.

Program Implementation and Administration

In Idaho, the Forest Legacy Program will be new, and, as such, an addition to agency workloads of an underdetermined magnitude. At the present time, the general mechanism for implementing the Forest Legacy Program in other states is through the state forestry agency, under the general direction of the USDA Forest Service’s State and Private Forestry branch and with the guidance of the State Forest Stewardship Coordinating Committee. This will be Idaho’s approach to program administration as well, although the Committee and the Department of Lands will seek technical and other advice from such agencies as the Department of Fish and Game and such organizations as the Idaho Association of Counties or various industry or conservation organizations.

Rather than attempt to foresee and define all the steps to fully developing and implementing the Forest Legacy Program in Idaho, the Committee has chosen to defer some of the details of this work until the Assessment of Need has been approved. At that time, the Committee recognizes that much is to be done before the Program can be fully operational. Following is a summary of what that work might include.

Program Funding—Ongoing funding for the program will be an issue for the Department of Lands. Even though some of the costs of developing the program are supported through federal funds, there is no guarantee that future federal funds will be available. The costs of supporting the Committee’s work to review and recommend projects and for assuring that the provisions of the various easements approved and closed are adhered to must be borne by the Department. Moreover, these costs will increase each year, if only because the task of monitoring compliance with Forest Legacy easements will increase by the new ones approved each year. Since these easements must be maintained and will be held by the state in perpetuity, this part of the Program could grow quite large.

Stewardship Plans—Each Forest Legacy project must be accompanied by a “forest stewardship plan”. At a minimum, the management plan must convey how the landowner will continue to provide or protect the forest values that would be eliminated if the lands were not enrolled in the Forest Legacy Program. It will likely need to include appropriate maps and data to define the forest values to be protected and the terms of the easement that will protect them. The Committee will need to develop the content and standards to be met in each for these plans.

Project Evaluation—While the foregoing criteria will likely be the basis for evaluating each Forest Legacy project proposal, how each is to be weighted and assessed is still a question that the Committee will need to fully answer. One likely approach might be a system that allows the Committee to review the criteria and rank them to develop a “score” for each project, but, again, the details of that await further refinement.

Program Promotion—If the Program is to meet the goals the Committee has set for it, then it must be promoted within the state and to those whom might take advantage of it so there is a pool of quality proposals for the Committee to consider. This implies a public education program to inform landowners, landowner groups, the forest industry, forestry consultants, realtors and conservation groups about the program and solicit proposals. Toward that end, the Committee may want to consider developing a brochure or similar print material.

“Frequently Asked Questions”—As part of promoting the program, it might be useful for the Committee to develop information that constitutes “full disclosure” of the implications of conservation easements so that landowners better understand them. This might be viewed as the “legal fine print”, but a number of the public comments highlighted the need to make sure that landowners fully comprehend the nature of permanent easements and what may be included in them. Similar information might include how the Department will monitor the easements and how to obtain assistance in developing a project proposal or in negotiating an easement.

Professional Assistance—The Committee will likely need to develop relationships with legal counsel, title companies and consultants who can both assist landowners who would like to propose a project and who can negotiate and close them once they are developed.

Figure 20.

